

Senate Amendment 3066

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1 1 Amend Senate File 128 as follows:
1 2 #1. By striking page 1, line 35, through page 2,
1 3 line 16, and inserting the following:
1 4 <453A.35 TAX AND FEES PAID TO GENERAL FUND ==
1 5 ~~STANDING APPROPRIATION TO HEALTH CARE TRUST FUND.~~
1 6 1. The proceeds derived from the sale of stamps
1 7 and the payment of taxes, fees and penalties provided
1 8 for under this chapter, and the permit fees received
1 9 from all permits issued by the department, shall be
1 10 credited to the general fund of the state. However,
1 11 beginning July 1, 2007, of the revenues generated from
1 12 the tax on cigarettes pursuant to section 453A.6,
1 13 subsection 1, and from the tax on tobacco products as
1 14 specified in section 453A.43, subsections 1 and 2, and
1 15 credited to the general fund of the state under this
1 16 subsection, there is appropriated, annually, to the
1 17 health care trust fund created in section 453A.35A,
1 18 the first one hundred twenty-seven million six hundred
1 19 thousand dollars.
1 20 2. All permit fees provided for in this chapter
1 21 and collected by cities in the issuance of permits
1 22 granted by the cities shall be paid to the treasurer
1 23 of the city where the permit is effective, or to
1 24 another city officer as designated by the council, and
1 25 credited to the general fund of the city. Permit fees
1 26 so collected by counties shall be paid to the county
1 27 treasurer.>
1 28 #2. Page 2, by striking lines 19 through 22, and
1 29 inserting the following: <treasurer of state. The
1 30 fund consists of the revenues generated from the tax
1 31 on cigarettes pursuant to section 453A.6, subsection
1 32 1, and from the tax on tobacco products as specified
1 33 in section 453A.43, subsections 1 and 2, that are
1 34 credited to the general fund of the state and
1 35 appropriated to the health care trust fund, annually,
1 36 pursuant to section 453A.35. Moneys in the fund shall
1 37 be>.
1 38 #3. By striking page 2, line 35, through page 3,
1 39 line 1, and inserting the following:
1 40 <Moneys in the fund shall be used only for purposes
1 41 related to health care, substance abuse treatment and
1 42 prevention, and tobacco use prevention, cessation, and
1 43 control.>
1 44 #4. By striking page 3, line 15, through page 4,
1 45 line 4, and inserting the following:
1 46 <Sec. _____. Section 453A.43, subsections 1, 2, and
1 47 3, Code 2007, are amended to read as follows:
1 48 1. a. A tax is imposed upon all tobacco products
1 49 in this state and upon any person engaged in business
1 50 as a distributor of tobacco products, at the rate of
2 1 twenty-two percent of the wholesale sales price of the
2 2 tobacco products, except little cigars as defined in
2 3 section 453A.42.
2 4 b. In addition to the tax imposed under paragraph
2 5 "a", a tax is imposed upon all tobacco products in
2 6 this state and upon any person engaged in business as
2 7 a distributor of tobacco products, at the rate of
2 8 twenty-eight percent of the wholesale sales price of
2 9 the tobacco products, except little cigars as defined
2 10 in section 453A.42, with the limitation that if the
2 11 tobacco product is a cigar, the additional tax shall
2 12 not exceed fifty cents per cigar.
2 13 c. Little cigars shall be subject to the same rate
2 14 of tax imposed upon cigarettes in section 453A.6,
2 15 payable at the time and in the manner provided in
2 16 section 453A.6; and stamps shall be affixed as
2 17 provided in division I of this chapter.
2 18 d. The ~~tax~~ taxes on tobacco products, excluding
2 19 little cigars, shall be imposed at the time the
2 20 distributor does any of the following:
2 21 a- (1) Brings, or causes to be brought, into this
2 22 state from without the state tobacco products for
2 23 sale.
2 24 b- (2) Makes, manufactures, or fabricates tobacco

2 25 products in this state for sale in this state.
2 26 ~~c. (3)~~ Ships or transports tobacco products to
2 27 retailers in this state, to be sold by those
2 28 retailers.
2 29 2. a. A tax is imposed upon the use or storage by
2 30 consumers of tobacco products in this state, and upon
2 31 the consumers, at the rate of twenty-two percent of
2 32 the cost of the tobacco products.
2 33 b. In addition to the tax imposed in paragraph
2 34 "a", a tax is imposed upon the use or storage by
2 35 consumers of tobacco products in this state, and upon
2 36 the consumers, at a rate of twenty-eight percent of
2 37 the cost of the tobacco products, with the limitation
2 38 that if the tobacco product is a cigar, the additional
2 39 tax shall not exceed fifty cents per cigar.
2 40 c. The ~~tax~~ taxes imposed by this subsection shall
2 41 not apply if the ~~tax~~ taxes imposed by subsection 1 on
2 42 the tobacco products ~~has~~ have been paid.
2 43 d. This tax The taxes imposed under this
2 44 subsection shall not apply to the use or storage of
2 45 tobacco products in quantities of:
2 46 a. (1) Less than 25 cigars.
2 47 b. (2) Less than 10 oz. snuff or snuff powder.
2 48 c. (3) Less than 1 lb. smoking or chewing tobacco
2 49 or other tobacco products not specifically mentioned
2 50 herein, in the possession of any one consumer.
3 1 3. Any tobacco product with respect to which a tax
3 2 has once been imposed under this division shall not
3 3 again be subject to tax under ~~said this division.~~
3 4 except as provided in section 453A.40.>
3 5 #5. Title page, line 3, by inserting after the
3 6 word <fund,> the following: <providing for a standing
3 7 appropriation,>.
3 8 #6. By renumbering as necessary.
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3 12 MATT McCOY
3 13 SF 128.508 82
3 14 pf/je/6578